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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,878	04/17/2001	Daniel Curry	0111ZX	5205

7590

05/08/2003

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EXAMINER

FRECH, KARL D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/836,878

Applicant(s)

CURRY ET AL.

Examiner

Karl D Frech

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_ .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5,8,11-14,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reddersen 5,563,402 in view of Reynolds et al 6,149,063 (cited by applicant). Reddersen discloses a system in which a peripheral device (bar code reader 310) reads a readable identifier having an electro-optically readable indicium having parts of different light reflectivity (bar code label 335) to "set up" (configure) the peripheral device to the requirements of a host system 340 (col 7 lines 49+). The reader having an actuator for controlling reading and transmission by the

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reader (i.e. trigger as seen in figure 14). Reddersen does not disclose the wireless RF frequency hand held device, or mounting the device on discrete locations on the body, including the finger. Reynolds discloses a configurable hand held device (50) which scans an electro-optical indicium with parts of different reflectivity (bar code 46). The hand held device is wireless and transmits via RF (col 4 lines 49+) on a LAN (col 1 lines 27). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a RF transmitting wireless hand held unit as taught by Reynolds, in the system of Reddersen. The ability of the wireless hand held unit to move about freely expands the working area of the unit and is less cumbersome than a hard wired unit.

4. Claims 6,7,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reddersen and Reynolds as applied to claims 1,11 above, and further in view of La 5,675,138. Reddersen and Reynolds do not disclose the body or finger attached considerations. As seen clearly in the figures, La discloses a finger mounted electro-optical indicia scanner which is attached to a glove worn on the hand of the user. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to mount the unit of Reddersen and Reynolds on the body or finger as taught by La. This would free the user's hands for other duties.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reddersen and Reynolds as applied to claims 1,8 above, and further in view of Cargin, Jr et al 5,515,303. Reddersen and Reynolds do not disclose voice activation. Cargin, Jr discloses in column 24 lines 58+, voice activation of an electro-optical scanner. It would have been obvious to a person of

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ordinary skill in the art at the time the invention was made to voice activate the combined system of Reddersen and Reynolds as taught by Cargin, Jr. This would further increase the versatility and ease of use of the system.

6. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cargin, Jr. et al 5,513,303. Cargin discloses a biometric voice activated indicia scanner (col 24 lines 58+). Cargin does not disclose the noise filter as claimed. However, noise filtering of background noise, by use of a secondary microphone, is old and well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a noise filter in the system of Cargin, Jr. This would help ensure that the system did not erroneously interpret background noise as voice commands. Cargin, Jr. does not disclose the fingerprint activation. Cargin, Jr. does indicate retina activated. Fingerprint activated electronic equipment is old and well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a fingerprint activation in a bar code scanner. Since a fingerprint scan is similar to a retina scan in as much as it can positively identify a single user, the fingerprint scan would increase the security of the bar code scanner system as only an authorized user could handle the bar code scanner.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bard et al 6,010,071 and Metlitsky et al 5,744,788 both disclose bar code scanners bodily mounted.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Frech whose telephone number is (703) 305-3491. The examiner's supervisor is Michael Lee whose telephone number is (703)305-3503. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center receptionist whose telephone number is (703)308-0956. The Tech Center fax number is (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [karl.frech@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

A handwritten signature in black ink, appearing to read 'Karl D. Frech', is positioned above the printed name and title.

Karl D. Frech  
Primary Examiner, AU 2876  
May 05, 2003